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To Examiner, Dwayne K. Handy

Company UNITED STATES PATENT AND TRADEMARK OFFICE

Fax number (571) 273-8300

From Bella Fishman

Date February 28, 2008

Subject U.S. App. No.: 10/829,640  
Filing Date: 04/22/2004  
Our Docket No.: 04-02 USPages (including this sheet) 10

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Attached are the following documents for the above referenced patent application:

- Amendment Under 37 CFR 1.116

## CERTIFICATE OF TRANSMISSION

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Docket No.: 04-02 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Swon et al.

Serial No.: 10/829,640

Filed: April 22, 2004

Title: APPARATUS AND METHOD FOR  
AGITATING A SAMPLE DURING  
IN VITRO TESTING

Examiner: Handy, Dwayne K.

Art Unit: 1743

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 February 28, 2008  
Signature Date Signed

Examiner, Handy, Dwayne K.  
Commissioner for Patents  
Centralized Facsimile No. 1.571.273.8300

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Sir:

This is responsive to the final Office Action dated January 24, 2008, for which a shortened statutory period for reply is set to expire on April 24, 2008. Favorable reconsideration of the Application is respectfully requested in view of the following Amendments and Remarks.

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.